

C O P Y.

DEPARTMENT OF THE ATTORNEY GENERAL
STATE OF ARIZONA
PHOENIX

June 19th, 1917.

Hon. Jesse L. Boyce,
State Auditor,
Phoenix, Arizona.

Dear Sir:

The matter of the income and rentals from the University lands and funds and the disposition thereof having been referred to this department some time ago, has been fully considered by me since said time. After a thorough investigation of the subject, I am of the opinion that Section 104 of the Public Land Code, authorizes the disbursement of said funds for the maintenance of an institution that is in active operation.

Said Section states:

"Where there are two or more institutions, other than normal schools, entitled to the benefits of any fund, the income and rentals thereof shall be, by the Board of Control (Commission of State Institutions) apportioned among such institutions as equitably as may be according to their several requirements for maintenance only; provided, further, that where there is no institution corresponding to the purpose of any such fund or the purpose for which any such grant or gift was made, the said interest and rentals shall be added, at the close of each fiscal year, to the permanent fund, and become a part thereof."

Therefore, where there is such an institution corresponding to the purpose of such fund or grant, the converse would be true, that said interest and rentals shall be available and disbursed for maintenance and shall not be added at the close of each fiscal year to the permanent fund.

In consideration of the above, I would advise that the \$5,000. or whatever amount there may be to the credit of the University fund now on hand as an income from rentals or interest, that the same is available for maintenance of the institution at the present time.

Very respectfully,

(Signed) WILEY E. JONES,

Attorney General.

WEJ/F

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